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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,935	11/16/2005	Wolfgang Dicksander	016906-0446	3750

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

MILLER, SAMANTHA A

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/556,935	Applicant(s) DIEKSANDER ET AL.	
	Examiner SAMANTHA A. MILLER	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-6, 9-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Receipt of applicant's amendment filed on 12/22/2008 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, 9--21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trill (5,228,475) in view of TSURUSHIMA (2002/0009968).

.Trill teaches:

1. An air guide housing (12) comprising an adjustable flap (28) an air inlet (col.2 ll.31-32) two air outlets (20,22), two curved tracks (the path that 38 and 38' follow shown in Fig.3 clearly as two curved tracks which by definition a line of travel or motion, www.dictionary.com 1/7/2008) (Fig.1) arranged one above the other, two pins (38, 38') attached to the adjustable flap, and an actuating lever (36, 36') connected pivotably to a driveshaft (56) and to the adjustable flap (28) (col.5 ll.1-6), wherein the two air outlets can be closed completely or partially by means of the adjustable flap (28) (col.2 ll.54-65).

2. An air guide housing comprising an adjustable flap, two air inlets (20, 22) an air outlet (24), two curved tracks (the path that 38 and 38' follow shown in Fig.3) arranged one above the other, two pins (38, 38') attached to the adjustable flap, and an

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actuating lever (36, 36') connected pivotably to a driveshaft (56) and to the adjustable flap (col.5 ll.1-6), wherein the two air outlets can be closed completely or partially by means of the adjustable flap (28) (Fig.1) (col.3 ll.11-14).

4. The curved track is straight, has straight portions or is in one radius (Fig.3 one radius).

5. A control peg (46) or a control yoke (46), wherein the control peg or control yoke guides the adjustable flap (col.4 ll.14-17, by stopping the flap from sliding to an undesirable location).

6. A carrier (42) in the air guide housing (col.4 ll.7-14) (Fig.2).

9. The actuating lever further comprises an air spoiler (62) (col.5 ll.37-46) (Fig.2).

10. A sealing edge (32) is formed (col.3 ll.38-48).

11. The two air outlets (24 and the outlet path of 26) are oriented parallel to one another (Fig.1).

12. The curved track is straight, has straight portions or is in one radius.

13. A control peg or a control yoke, wherein the control peg or control yoke guides the adjustable flap.

14. A carrier (42) module in the air guide housing (col.4 ll.7-14) (Fig.2).

15. The actuating lever further comprises an air spoiler (62) (col.5 ll.37-46) (Fig.2).

16. A sealing edge (32) is formed (col.3 ll.38-48).

17. The two air inlets (20, 22) are oriented parallel to one another (col.2 ll.55-65).

18. The two pins are guided in the curved tracks (the path that 38 and 38' follow shown in Fig.3 clearly as two curved tracks which by definition a line of travel or motion, www.dictionary.com 1/7/2008).

19. The two pins are guided in the curved tracks (the path that 38 and 38' follow shown in Fig.3 clearly as two curved tracks which by definition a line of travel or motion, www.dictionary.com 1/7/2008).

Trill teaches the invention as discussed above, however TRILL does not teach two curved tracks arranged one above the other to guide the adjustable flap.

TSURUSHIMA teaches:

1. Two curved tracks (19) arranged one above the other (Fig.7) to guide the adjustable flap (12) (para.0093).

2. two curved tracks (19) arranged one above the other (Fig.7) to guide the adjustable flap (12) (para.0093),

20. The two curved tracks guide the adjustable flap via contact with the two pins (18) attached to the adjustable flap (para.0093).

21. The two curved tracks guide the adjustable flap via contact with the two pins attached to the adjustable flap (Fig.7) (para.0093).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the air guide housing of TRILL with the tracks of TSURUSHIMA in order to the door proper can be driven along the cam

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grooves formed in both sides of the case; thus, the door proper never produces play even when applied with wind pressure (TSURUSHIMA, para.0025).

Response to Arguments

Applicant's arguments with respect to claims 1-2, 4-6, 9-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR '1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272 9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller
Examiner
Art Unit 3749
3/14/2009

/Steven B. McAllister/

Supervisory Patent Examiner, Art Unit 3749